

includes the step of decreasing the pressure of said aerosolized phase.

17.(new) The method as recited in claim 9 wherein the step of subjecting an aerosolized phase includes the step of providing a containment spray curtain.

18.(new) A method for removing pathogens from water, said method comprising the steps of:

5 a) engaging falling pathogen laden water with rising heated exhaust gas in an enclosure with an atmosphere exhaust aperture;

 b) controlling the pathogen laden water flow into said enclosure;

 c) controlling the removal of treated water from said enclosure; and

 d) removing pathogens from pathogen laden water vapor inside said enclosure.

10 19.(new) The method as recited in claim 18 wherein the step of removing pathogens from water vapor includes the step of engaging the pathogen laden water vapor to a toxic media bed.

20.(new) The method as recited in claim 18 wherein the step of removing pathogens from water vapor includes the step of providing a containment spray curtain.

REMARKS

15 Pursuant to the Office Action, claims 1-8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims were amended to comply with the Examiner's requirements.

 In claims 1-3 "the device" was removed.

20 In claim 4, method phraseology was removed and apparatus wording added.

 In claim 5, "low" has been replaced with "reduced" which limits the exhaust gas now structurally provided for in claim 1.

In claim 7, has been amended to recite an apparatus claim that limits the apparatus of claim 1.

Claim 8 has been amended to include an algorithm that further limits the pathogen laden water flow controlling means of claim 1.

5 Independent claims 1 and 9 have been amended to include a direct contact fluid heater. Claim 1 has been amended to include means for reducing pathogens in an atmosphere exhaust discharged from said direct contact water heater. Claim 9 has been amended to include subjecting an aerosolized phase of the pathogen laden fluid to an antimicrobial substrate, then releasing the subjected aerosolized phase to the ambient environment.

10 CLAIM REJECTIONS - 35 USC Sec. 102 and 35 USC Sec. 103

None of the prior art (Ebisawa et al., Aikus et al., or Cummings) disclose, teach or suggest direct contact heating between a pathogen laden fluid and a heating fluid, then discharging a portion of the pathogen laden fluid to atmosphere. Cummings discloses direct contact between sewage and hot gases, but the gases are returned to the system (see figure 1).

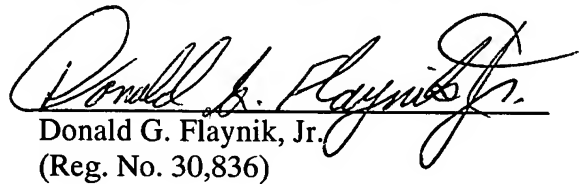
15 Further, none of the prior art disclose, teach or suggest removing or reducing pathogens from pathogen laden exhaust gas before being discharged to atmosphere or an ambient environment. Cummings discloses mist eliminator systems (14 and 16) that wash and remove salts (column 5, lines 30-40). Therefore, the prior art does not anticipate claims 1 or 9 under 35 USC Sec. 102. Further, the prior art does not provide an obvious rejection for claims 1 or 9 pursuant to 35 USC
20 Sec. 103.

New claims 14-20 were added to further clarify the non-anticipated and non-obvious method of the present invention.

It is respectfully submitted that the amended claims overcome the rejections raised in the

Office Action. If the Examiner upon consideration of the forgoing finds that a telephone
interview would be helpful in expediting allowance of the present application, she is respectfully
urged to call the applicant's undersigned attorney. It is submitted that all new claims,
independent claims and the dependent claims corresponding thereto are now of proper form and
5 scope for allowance.

Respectfully Submitted,
CHERESKOV & FLAYNIK


Donald G. Flaynik, Jr.
(Reg. No. 30,836)

10